IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2173 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/12/2004 in WP NO : 19500 OF 2004 on the file of the High Court.)

Between:

Saini Prasada Rao, S/o. Narayana Rao,
R/o. Mancherial Village and Mandal, Adilabad District.

..... APPELLANT

AND

1 The Commissioner for Prohibition and Excise,
Government of Andhra Pradesh, Hyderabad.
2 The Prohibition and Excise Superintendent, Adilabad.
3 Aithe Bhoomaiah, S/o. Kotaiah,
Near Mancherial Club, Mancherial, Mancherial,
Adilabad District.
4 Aithe Srinivas, S/o. Bhoomaiah,
H.No. 11-45, Near Mancherial Club, Mancherial,

Mancherial, Adilabad District.

.....RESPONDENTS

Counsel for the Appellant : MR.D.KRISHNA REDDY

Counsel for the Respondent Nos. 1 and 2: GP FOR PROHIBITION & EXCISE

Counsel for the respondent Nos. 3 & 4: MR. VINOD KUMAR DESHPANDE.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. We have heard counsel for the parties. In this appeal, arising out of the order passed by learned single Judge dismissing the writ petition, appellant questioned grant of IL-17 licence in favour of 4th respondent on the ground that grant of such licence was in violation of the order passed by the Civil Court in O.S.No.368 of 2004. There was an order of status quo operating in the said case and despite order of status quo, licence was granted by 1st respondent to 4th respondent on 14.10.2004.

2. Mere grant of licence, in our view, does not affect the legality and validity of the licence since the dispute is pending before the Civil Court between the appellant and respondents 3 and 4. Admittedly status quo order so far has not been challenged even according to the appellant. Needless to add that in the civil proceedings since respondents 3 and 4 are claiming to be in possession of the property and appellant is not in possession of the property, order of status quo was granted. Therefore, the very act of the petitioner – appellant in questioning the action of grant of licence on such basis is misconceived, and rightly learned single Judge dismissed the writ petition. In case petitioner has got any grievance and as and when status quo order is challenged, he can have recourse in accordance with law to take out appropriate proceedings in that Court and the said Court will have to go into the question whether status quo order has or has not to be vacated.

3. Writ appeal fails and is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 29.12.2004.

VRK.

To

1 The Commissioner for Prohibition and Excise,
Government of Andhra Pradesh, Hyderabad.
2 The Prohibition and Excise Superintendent, Adilabad.
3. Two CCs to G.P. for Prohibition & Excise, High Court
Buildings, Hyderabad (OUT)

4. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

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W.A.NO. 2173 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 29.12.2004.